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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Community Health Agency/Environmental Health

SUBMITTAL DATE:

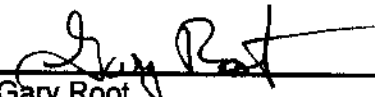
SUBJECT: Amending Ordinance No. 492.8, "Regulating Food Establishments Other Than Restaurants"

RECOMMENDED MOTION:

1. That the Board introduce and set for Public Hearing the adoption of Ordinance No. 492.9 amending Ordinance No. 492.8 which establishes regulation of food establishments and food facilities.
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications;
3. That, upon the close of the Public Hearing, the Board adopts Ordinance 492.9.

BACKGROUND: This amendment to Ordinance No. 492 will add language referencing Riverside County Ordinance No. 725, which establishes procedures and penalties for violations of Riverside County ordinances and provides for recovery of reasonable costs related to enforcement. Specifically, the changes to this Ordinance can be found in Section 5, item E – concerning criminal penalties for the Administrative citation process outlined in Ordinance No. 725.

GR:SVS:gf



 Gary Root
 Director, Department of Environmental Health

COUNTY COUNSEL

APR 16 2007
By 

Departmental Concurrence

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

SOURCE OF FUNDS:	No Funding Necessary	Positions To Be Deleted Per A-30	<input type="checkbox"/>
		Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature 

1 **E. "Official Inspection Form"** shall mean the form provided by the Department of
2 Environmental Health Services.
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5 **SECTION 2. GRADING.**

6 **A.** All food establishments and food facilities shall be inspected and graded uniformly
7 using an official inspection form. The grade of each food establishment shall be
8 determined by the Enforcement Officer using the scoring method provided on the
9 Official Inspection Form. The grade of each food establishment shall be evidenced by
10 the posting of a Grade Card bearing the letter, "A", "B" or "C."
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13 **1.** The letter "A" shall indicate a score of ninety percent (90%) or higher, and
14 indicates that the food establishment passed the inspection by meeting those
15 minimum health standards as set forth by the State of California in the
16 California Retail Food Facilities Law, California Health and Safety Code,
17 Chapter 4, Sections 113700, et seq., and interpreted by the Enforcement Officer.
18 Grade "A" Cards shall be printed in Blue on High-Impact White Styrene Plastic.
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22 **2.** The letter "B" shall indicate a score of less than ninety percent (90%), but not
23 less than eighty percent (80%), and indicates that the food establishment has not
24 passed the inspection and does not meet minimum health standards. Grade "B"
25 Cards shall be printed in Green on High-Impact White Styrene Plastic.
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28 **3.** The letter "C" shall indicate a score of less than eighty percent (80%), and

1 indicates that the food establishment has failed the inspection and has conditions
2 existing which may pose a potential or actual threat to public health and safety.
3 The facility may also be ordered closed, with its permit being suspended or
4 revoked by the Enforcement Officer. Grade "C" Cards shall be printed in red on
5 High-Impact White Styrene Plastic.
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8 **B.** The Grade Card shall be provided by the Enforcement Officer and shall be nine inches
9 by eleven inches (9" x 11") in size. The grade letter shall not be more than five inches
10 (5") in height.
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13 **C.** The Grade Card shall be posted in a conspicuous place selected by the Enforcement
14 Officer, at or near each entrance to the food establishment used by its patrons, and shall
15 be removed only by the Enforcement Officer.
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18 **D.** It shall be unlawful to operate a food establishment unless the Grade Card is in place as
19 posted by the Enforcement Officer.
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22 **E.** Private schools and public schools shall not be required to post a Grade Card.
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24 **F.** Food facilities and food establishments which are not engaged in food preparation shall
25 not be required to post a Grade Card.
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1 **SECTION 3. INSPECTIONS.**

2 **A.** The Enforcement Officer shall inspect each food facility and food establishment at
3 regular intervals. All food establishments and food facilities shall comply with those
4 requirements set forth in the California Uniform Retail Food Facilities Law, as amended
5 and appearing in California Health and Safety Code Sections 113700, et seq.

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8 **B.** A signed copy of the Official Inspection Form shall be delivered to the owner, operator,
9 or person in charge of the food establishment or food facility who shall sign in receipt
10 thereof.
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13 **C.** Any food establishment or facility that has received a "B" or "C" grade shall receive a
14 reinspection within five (5) working days of the initial inspection, or as otherwise
15 arranged with the facility operator, to assure that the violations have been corrected.
16 The Grade "B" or "C" shall remain posted at the food establishment, indicating to the
17 public that the particular food establishment failed to maintain minimum health
18 standards during its most recent routine inspection performed by the Department of
19 Environmental Health Services.
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23 **D.** If, after a reinspection of the food establishment or facility, the score is not ninety
24 percent (90%) or higher, any or all of the following legal actions may ensue:

- 25
- 26 1. Administrative hearing offered for the suspension or revocation of the license
27 pursuant to Health and Safety Code Sections 113950, et seq.
 - 28 2. Issuance of a citation.

1 3. Initiation of civil, criminal or other legal proceedings.
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4 E. Notwithstanding the foregoing, the Enforcement Officer may order immediate closure
5 of a facility or establishment pursuant to Health and Safety Code Section 113960
6 whenever the Officer reasonably believes the facility or establishment to present an
7 immediate danger to the public health or safety.
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10 F. Any reinspections following legal actions, other than one (1) reinspection following an
11 initial administrative hearing, will result in the operator being charged an hourly on-site
12 fee.
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14 **SECTION 4. PERMITS.**
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16 No person shall operate a food establishment or facility without holding a valid permit
17 issued by the Department of Environmental Health Services. Application for a permit shall be
18 made to the Department of Environmental Health Services upon a form provided by the
19 Department, and shall be accompanied by a fee as required by Ordinance No. 640. A permit
20 shall be valid for not more than one (1) year.
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23 **SECTION 5. CRIMINAL PENALTIES.**

24 A. Any person violating any provision of this ordinance shall be guilty of an infraction or
25 misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a
26 separate offense for each day during which any violation of this Ordinance is committed
27 or allowed to exist.
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B. Any individual convicted of a violation of this Ordinance shall be:

1. Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00), but not to exceed one hundred dollars (\$100.00) for the first offense.
2. Guilty of an infraction and punished by a fine of not less than one hundred dollars (\$100.00), but not to exceed two hundred dollars (\$200.00) for the second offense.
3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars (\$500.00), but not to exceed one thousand dollars (\$1,000.00) and/or up to six (6) months in the County jail, or both.

C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the official Inspection Report Form.

E. The additional remedies, penalties, and procedures for violations of this ordinance and for recovery of costs related to enforcement provided for in Ordinance No. 725 are incorporated into this section by this reference.

1 **SECTION 6. PUBLIC NUISANCE DECLARATION.**

2 In addition, any violation of this ordinance is hereby deemed to be a public health
3 nuisance and may be abated by the Enforcement Officer, irrespective of any other remedy
4 hereinabove provided.
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7 **SECTION 7. CIVIL PENALTIES.**

8 Any person who willfully violates any provision of this ordinance or any other rules or
9 regulations adopted by the Department of Environmental Health Services pursuant to this
10 Ordinance, in addition to any criminal penalties, shall be liable for a civil penalty of between
11 fifty dollars (\$50.00) and two hundred fifty dollars (\$250.00) for each day of violation. The
12 Enforcement Agency shall be authorized to file and maintain an action in a court of appropriate
13 jurisdiction to collect any such civil penalty arising under this section.
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17 **SECTION 8. RIGHT OF INSPECTION.**

18 Pursuant to California Health and Safety Code Section 113925, the Enforcement Officer
19 shall have the right to inspect any food facility or establishment, or any facility suspected of
20 being a food establishment or facility, at any reasonable time. If inspection is refused, the
21 permit may be suspended or revoked, and/or the owner or operator shall be guilty of an
22 infraction or misdemeanor offense.
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25 **SECTION 9. SEVERABILITY.**

26 If any provision, clause, sentence or paragraph of this ordinance, or the application
27 thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the
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1 other provisions or application of the provisions of this Ordinance which can be given effect
2 without the invalid provision or application and, to this end, the provisions of this ordinance are
3 hereby declared to be severable.
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6 **SECTION 10.**

7 Ordinance 493 is hereby repealed. This Ordinance (492.8) shall take effect thirty days
8 (30) days after its adoption.
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13 **ADOPTED:**

14 492 11/04/63 (Eff: 12/12/63) (Oper: 01/01/64)
15

16 **AMENDED:**

17 492.1 11/30/71 (Eff: 12/29/71) (Oper: 01/01/72)

18 492.2 12/02/75 (Eff: 12/31/75) (Oper: 01/01/76)

19 **REPEALS 492.1**

20 492.3 (6.2) 05/13/80 (Eff: 06/11/80) (Oper: 01/01/81)

21 492.4 (6.1) 07/15/80 (Eff: 08/13/80)

22 492.5 (3.2) 02/28/84 (Eff: 03/29/84)

23 492.6 (3.2) 02/21/89 (Eff: 03/22/89)

24 492.7 (11.5) 06/14/92 (Eff: 07/13/92) AMENDED 492 IN ITS ENTIRETY

25 492.8 (3.1) 09/17/96 (Eff: 10/17/96) AMENDED 492 IN ITS ENTIRETY
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